

REMARKS

Reconsideration is requested.

Claims 1-26 and 47-51 have been canceled above, without prejudice.

Claim 52 has been added to define further patentable aspects of the disclosure.

No new matter has been added.

Claims 27-52 are pending.

The applicants elect, with traverse, the subject matter of the Examiner's Group 3 for further prosecution in the above.

Reconsideration and withdrawal of the Examiner's finding of an alleged lack of unity of invention and restriction requirement are requested at least in view of the following comments.

The applicants submit that the presently disclosed invention is concerned with the identification of a new class of drugs that are particularly useful in the treatment of negative symptoms and cognitive deficits of schizophrenia and associated disorders. The drugs in this class all have a particular relative affinity for the 5HT2C receptor.

By way of background, compounds are usually defined by an "absolute affinity". For example, compounds may be described as selective antagonists of a given receptor, which may mean that they have for example, 100 times greater affinity for that receptor compared to other receptors. The present inventor has discovered that useful drugs may not be truly selective in this way. Instead, what is important in the applicant's view is the "relative selectivity" for the 5HT2C receptor. The formula in claim 27 is a useful and objective way of assessing this relative affinity as it describes how selective a compound should be to be useful in treating the particular conditions

listed. The inventor believes that the significance of the relative affinity has not previously been disclosed. The applicant believes the same is not disclosed or suggested in the patent cited by the Examiner. As evidence of the clinical relevance of the relative affinity, the Examiner is directed to, for example, pages 40-47 of the application and Figures 1 and 2, wherein the clinical significance of the relative affinity data is assessed, particularly in connection with treating negative symptoms and cognitive deficits in schizophrenia. Table 3 in the application (page 32) lists relative affinity data (in the form of Y values based on the formula in claim 27) for a number of candidate compounds. As shown, all of the compounds listed have a Y value of ≥ 1.80 (the value specified in claim 27). In the context of the present claims therefore it is submitted that all compounds for use in the method of claim 27 share a common special technical feature in that they share a common property of having the specified relative affinity. It is further submitted by the applicant that at least the compounds listed in Table 3 are unified by having a relative affinity value of ≥ 1.80 (see for example, claims 34 and 35 which list compounds included in Table 3).

Reconsideration and withdrawal of the restriction requirement and examination of all the claimed subject matter are requested.

The election requirement of a single affinity value of claim 21 is believed to be moot in that claim 21 has been canceled, without prejudice. The Examiner is requested to contact the undersigned however in the event anything further is required in this regard.

With regard to the requirement to elect one "condition for treatment", the applicants elect, with traverse, negative symptoms of schizophrenia. Reconsideration

and withdrawal of the requirement are requested as, with due respect, examination of all three of the listed conditions is not believed to place an undue burden on the Examiner.

With regard to the requirement to elect one "single 5-HT2C receptor antagonist", the applicants elect, with traverse, deramciclane. The Examiner is requested to at least also examine N-desmethyl-deramciclane as this is an active metabolite of deramciclane (see page 34, lines 12-15 of the application as published). Reconsideration and withdrawal of the requirement are requested as, with due respect, examination of the full breadth of the claims in this regard is not believed to place an undue burden on the Examiner.

Claims 27, 28, 34, 35, 37, 38, 44, 45 and 52, are believed to read on the elected species.

Rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested.

An early and favorable Action on the merits of the claimed invention is requested. The Examiner is requested to contact the undersigned in the event anything further is required at the present time.

BRUINVELS
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Respectfully submitted,

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